

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Benjamin Yocum & Heather, Ltd, *et al.*,

Plaintiffs,

v.

Case No. 1:17cv850

Black Wolf Consulting, Inc., *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on May 30, 2018 (Doc. 18).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 18) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, Defendant Benefit Plan Administrator's Alternative Motion to Dismiss (Doc. 11) is denied as moot and can be refiled once the stay is lifted.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge